

REMARKS

The specification is amended above to add SEQ ID NO:70 to the sequence listing. A complete amended sequence listing is also submitted concurrently as computer readable and paper copies.

New claims 106-131, also added by the above amendment, are identical to the claims previously allowed in U.S. Patent Application Serial No. 09/861,696 (see Notice of Allowance and Fee(s) Due issued for U.S. Patent Application Serial No. 09/861,696, dated October 22, 2003), which was subsequently abandoned (see Notice of Abandonment issued for U.S. Patent Application Serial No. 09/861,696, dated March 5, 2004).

Pursuant to 37 C.F.R. § 1.173(c), applicants provide the following status of claims and support for claim changes in the disclosure.

Status of the Claims:

Upon entry of the above Amendment, claims 1-131 are pending.

Support in the Disclosure for Changes Made to Claims:

The amendment to add SEQ ID NO:70 to the sequence listing of the specification and to add claims 106-131 is supported by the original disclosure. As previously explained in the prosecution of U.S. Patent Application Serial No. 09/861,696 (see, e.g., Response to Office Action Dated January 29, 2002, filed June 24, 2002), SEQ ID NO:70 is described in the original specification by SEQ ID NO:3 and the text at page 53, lines 15-16 (or at col. 28, ll. 54-55, of U.S. Patent No. 5,633,435). SEQ ID NO:3 is an amino acid sequence encoding a CP4 EPSPS. The cited portion of the specification states that the CP4 EPSPS gene can be modified such that "[t]he second codon was converted to one

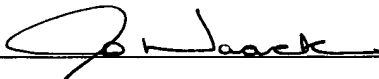
for leucine". This change at position 2 is reflected in SEQ ID NO:70. In other words, SEQ ID NO:70 is simply SEQ ID NO:3 with the described change at position 2 to leucine.

Additionally, please note that the amended sequence listing was generated by PatentIn Version 3.3 software, so the introductory information for the sequence listing and the individual sequences may differ from the original sequence listing in U.S. Patent No. 5,633,435, which was generated by an earlier version of software.

Accordingly, no new matter is introduced by this amendment.

Should any fee be required for any reason in connection with this paper, the Commissioner is authorized to deduct said fees from Howrey Simon Arnold & White deposit account No. 01-2508/11899.0175.REUS07.

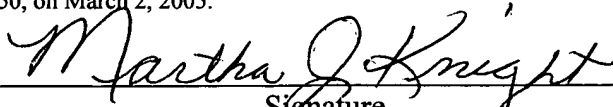
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<p style="text-align: center;">CERTIFICATE OF MAILING 37 C.F.R. 1.8</p> <p>I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 2, 2005.</p> <p style="text-align: center;"> Signature</p>
